

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 19 2005

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KAVA MONE TOIA,

Defendant - Appellant.

No. 04-10006

D.C. No. CR-02-00177-HG

at 12 o'clock and 48 min. A
WALTER A. Y. H. CHINN, CLEI
KK

JUDGMENT

Appeal from the United States District Court for the District of Hawaii (Honolulu).

This cause came on to be heard on the Transcript of the Record from the United States District Court for the District of Hawaii (Honolulu) and was duly submitted.

On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is **AFFIRMED**.

Filed and entered Friday, December 10, 2004

A TRUE COPY
ATTEST *1/11/05*

CATHY A. CATTERSON
Clerk of Court
by: *[Signature]*
Deputy Clerk

FILED

NOT FOR PUBLICATION

DEC 10 2004

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KAVA MONE TOIA,

Defendant - Appellant.

No. 04-10006

D.C. No. CR-02-00177-HG

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Helen Gillmor, District Judge, Presiding

Submitted December 6, 2004**

Before: GOODWIN, WALLACE and Trott, Circuit Judges.

Kava Mone Toia appeals his guilty-plea conviction and 121-month sentence
for conspiracy to distribute and possess with intent to distribute in excess of 50

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

grams of methamphetamine and in excess of 500 grams of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 846.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Toia has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. No pro se brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83-84 (1988), discloses no grounds for relief.

Accordingly, we **GRANT** counsel's motion to withdraw and **AFFIRM** the district court's judgment.

